

## PATENT

REMARKS

Pursuant to the Examiner Interview conducted on 19 October 2005, Applicant has amended claims 1, 3, 4, 18, 20 – 23, 29, 33, and 35, as well as cancelled claim 2.

Applicant has amended claim 1 to incorporate the limitations of claim 2, and cancelled claim 2 accordingly. Claims 3 and 4 have been amended to depend from claim 1 instead of cancelled claim 2.

Claims 1, 18, and 29 have been amended to recite “computer implemented” to satisfy concerns of the Office with regard to 35 U.S.C. §101 requirements. Claim 35 has been amended to recite “encoded in a computer readable media” also to satisfy concerns of the Office with regard to 35 U.S.C. §101 requirements.

Claims 20 – 23 have been amended to depend from claim 19 instead of claim 18 to cure antecedent basis errors. These claims referred to “mappings” recited in claim 19, but not recited in claim 18.

Claim 18 was also amended to recite “orthogonality.” Although Applicant explained to the Office that limitations that correspond to orthogonality were already present in claim 18, Applicant has acquiesced and made the amendment since it is a non-narrowing amendment. The amendment does not narrow the scope of the claim because claim 18 already recites “ensure that same combinations of child node identifiers result in same child nodes contributions irrespective of ordering of the child node identifiers,” which corresponds to orthogonality.

Applicant has also acquiesced to the Office’s request to amend the claims with text that replaces the adverb “thereof” and the conjunction “that” in claims 1, 18, 29, 33, and 35. The Office communicated to Applicant that the adverb and conjunction were undesirable. Applicant agreed to amend claims 1, 18, 29, 33, and 35 to replace “thereof” and “that” since the amendments do not narrow the scope of the claims.

In light of the agreement with the Office that the art of record fails to disclose or suggest claims 18, 29, 33, and 35 (prior to the present amendments) and claim 1 (as amended to incorporate claim 2), Applicant respectfully submits that these independent claims are allowable


## PATENT

over the art of record. Applicant also respectfully submits that the corresponding dependent claims are allowable at least because their parent claims are allowable.

With regard to claim 41, none of the art of record discloses a transformation operation that uses orthogonally encoded child node information. The Office repeatedly ignores this limitation since it cannot be found in any of the art of record. Applicant respectfully submits that since all of the limitations of claim 41 cannot be found in the art of record, the Office has not presented a *prima facie* case of obviousness. Applicant respectfully requests that the rejection of claim 41 be withdrawn since it fails to satisfy the requirements of 35 U.S.C. §103. Furthermore, both U.S. Patent No. 5,781,906 granted to Aggarwal et al. (*Aggarwal*) and U.S. Patent No. 6,311,187 granted to Jeyaraman (*Jeyaraman*) require ordering of their nodes. *Aggarwal* is directed to building trees and discloses ordering of nodes as an integral part of the building process. See 305 of Fig. 4A, 405 of Fig. 6, and col. 7, lines 58 – 66, and col. 8, lines 22 – 25. **Since the tree construction is order-dependent, *Aggarwal* cannot be interpreted to disclose “element order independent comparison” without conflicting with the actual disclosure of *Aggarwal*.** Likewise, as explained in the Appeal Brief filed on April 14, 2005, *Jeyaraman* requires sorting and re-sorting of nodes. Applicant notes that subsequent to the Appeal Brief, the Office abandoned the previous erroneous argument that *Jeyaraman* disclosed order independence and relied upon *Aggarwal* as disclosing order independent comparison, which is also erroneous. Hence, neither *Aggarwal* nor *Jeyaraman* discloses or suggests any of the limitations of claim 41.

In summary, claims 1 and 3 – 41 are in the case. All claims are believed to be allowable over the art of record, and a Notice of Allowance to that effect is respectfully solicited. Nonetheless, if any issues remain that could be more efficiently handled by telephone, the Examiner is requested to call the undersigned at the number listed below.

PATENT

<b><u>CERTIFICATE OF MAILING OR TRANSMISSION</u></b>	
I hereby certify that, on the date shown below, this correspondence is being	
<input type="checkbox"/> deposited with the US Postal Service with sufficient postage as first class mail and addressed as shown above.	
<input checked="" type="checkbox"/> facsimile transmitted to the US Patent and Trademark Office.	
 Steven R. Gilliam	<u>26-Oct-2005</u> Date
<b>EXPRESS MAIL LABEL:</b> _____	

Respectfully submitted,



Steven R. Gilliam, Reg. No. 51,734

Attorney for Applicant(s)

(512) 338-6320 (direct)

(512) 338-6300 (main)

(512) 338-6301 (fax)